

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

|                               |   |           |
|-------------------------------|---|-----------|
| FRANCISCO J. MARTINEZ,        | ) |           |
|                               | ) |           |
| Petitioner,                   | ) | 8:17CV406 |
|                               | ) |           |
| v.                            | ) |           |
|                               | ) |           |
| BRAD HANSEN, TSCI Warden, and | ) | ORDER     |
| SCOTT FRAKES, NDCS Director,  | ) |           |
|                               | ) |           |
| Respondents.                  | ) |           |
|                               | ) |           |

---

After careful consideration under [Federal Rule of Civil Procedure 59\(e\)](#) and otherwise of the “Motion for Federal Habeas Review Reconsideration” seeking to aside the dismissal of the petition because the claims were procedurally defaulted and also seeking, in the alternative, a certificate of appealability despite my prior decision not to do so,

IT IS ORDERED that the motion (filing no. [21](#)) is denied.

DATED this 15<sup>th</sup> day of May, 2018.

BY THE COURT:

*s/ Richard G. Kopf*  
Senior United States District Judge